

Office Memorandum • UNITED STATES GOVERNMENT

TO : FILES

FROM : Office of the General Counsel
STATINTL

SUBJECT: Loss of Jeep - [REDACTED]

DATE: 29 September 1948

1. The case concerned is similar to the ^{MALAM} ~~mal~~-in se cases of Tort law, namely, ESD 44, Daily Bulletins of June 3 and 4, 1947, imposed a duty of special care by specifying areas of parking and manner of locking.

2. The Survey Board apparently felt that the duty was absolute, and that disregard of that duty established negligence per se.

3. The problem appears to involve reduction of damages set by the Board, suggested by excellent evaluation of employee for future operational projects. Orthodox administrative procedures versus practical necessity.

4. Suggest:

- a. Submission to Director for forgiveness of balance due, or
- b. Submission to Board for reconsideration of damages in light of new evidence.

Everyone is in accord that subject was in culpable error.

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General Counsel: [REDACTED]

Note: This case was referred to the Secretary of the Board for rehearing.